

Rezoning of land adjoining 10 Boomerang Avenue, Lilli Pilli for residential and public open space uses (Amendment 14).

Proposal Title :	Rezoning of land adjoining 10 Boomerang Avenue, Lilli Pilli for residential and public open space uses (Amendment 14).		
Proposal Summary :	The planning proposal seeks to rezone part of 10 Boomerang Avenue, Lilli Pilli (Lot 1 DP 963203) from 6(a) Public Recreation under Sutherland Shire Local Environmental Plan (LEP) 2000 to Zone 1 - Environmental Housing (Environmentally Sensitive Land) and Zone 13 - Public Open Space under Sutherland Shire LEP 2006. The subject land is not covered by the current Sutherland Shire LEP 2006 and it is proposed to bring the land into this LEP.		
PP Number :	PP_2012_SUTHE_001_00	Dop File No :	11/22140-1

Proposal Details

Date Planning Proposal Received :	02-Dec-2011	LGA covered :	Sutherland
Region :	Sydney Region East	RPA :	Sutherland Shire Council
State Electorate :	CRONULLA	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Boomerang Avenue		
Suburb :	Lilli Pilli	City :	Sydney
		Postcode :	2229
Land Parcel :	Lot 1 DP 963203		

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro South subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **The Regional Team is not aware of any meetings or communications with registered lobbyists in relation to this proposal.**

Supporting notes

Internal Supporting Notes : **The subject site is located at 10 Boomerang Avenue, Lilli Pilli (Lot 1 DP 963203) and has a total area of 741.1sqm. The current zoning of this site is 6(a) Public Recreation under Sutherland Shire LEP 2000.**

The site is proposed to be zoned part Zone 1 - Environmental Housing (Environmentally Sensitive Land) where dwelling houses are permissible with consent and part Zone 13 - Public Open Space under Sutherland Shire LEP 2006.

The site is privately owned and under the same ownership as adjoining property at 10 Boomerang Avenue, Lilli Pilli (Lot 5 DP 218458). The site was originally used as an outdoor garden area to the adjoining property at 10 Boomerang Avenue and contains mature bushland and rock outcrops.

The site was zoned for public recreation under Sutherland Shire LEP 2000 to permit public access to the waterfront. In the past, Council proposed to rezone the site for public open space purposes under Sutherland Shire LEP 2006, however the landowners objected to the zoning and the site was deferred from Sutherland Shire LEP 2006.

Council has now reached an agreement with the landowners to purchase a portion of the site using its Section 94 Contributions.

Land zoned for public open space is located adjacent to the site at 12 Boomerang Avenue (Lot 6 DP 218458) and is used by the public for recreational access to the waterfront. Council proposes to acquire 370.8sqm of the site and integrate it into the public open space at 12 Boomerang Avenue. This land is proposed to be zoned Zone 13 - Public Open Space.

A residual area of 370.3sqm will remain in private ownership and is to be amalgamated with land at Lot 5 DP 218458. This land is proposed to be zoned Zone 1 - Environmental

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Housing (Environmentally Sensitive Land), which is consistent with the zoning of adjoining lot.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The Statement of the objectives provided is considered to be adequate. Council has stated the objective of the planning proposal is to:**

- bring the site into Sutherland Shire LEP 2006 by rezoning the site from 6(a) Public Recreation under Sutherland Shire LEP 2000 to part Zone 1 - Environmental Housing (Environmentally Sensitive Land) and part Zone 13 - Public Open Space.

Council proposes to acquire a portion (370.8sqm) of the subject site and incorporate it into adjoining public open space at 12 Boomerang Avenue (Lot 6 DP 218458).

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions provided is considered to be adequate. The proposed Sutherland Shire LEP 2006 will amend the below maps to include the subject site:**

**- Zoning Map;
- Heritage Items Map;
- Flood Planning Map;
- Acid Sulfate Soils Map; and
- Wetlands Map.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

2.1 Environment Protection Zones

3.1 Residential Zones

* May need the Director General's agreement

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

6.2 Reserving Land for Public Purposes

Is the Director General's agreement required? **Unknown**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

e) List any other matters that need to be considered :

There are no other matters which need to be considered for this planning proposal.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

The site is zoned for 6(a) Public Recreation under Sutherland Shire LEP 2000 and the proposal will see some of this land rezoned for environmental housing purposes. Council has advised that the entire site is privately owned.

Due to the proposed reduction in zoning of public open space (reduction of 370.3sqm), Direction 6.2 Reserving Land for Public Purposes applies. Under this Direction, a planning proposal must not reduce existing zonings of land for public purposes without the approval of the Director-General. It is considered that the rezoning of 370.3sqm of

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land for environmental housing purposes is minor in nature. It is noted that 370.8sqm of land will be acquired by Council to be included into the adjacent public open space, which will be accessible to the community.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Maps provided include:**

- a location map (to be provided by Council);
- existing zoning map (to be provided by Council);
- proposed zoning map; and
- aerial photograph (to be provided by Council).

- Heritage Items Map;

- Flood Planning Map;

- Acid Sulfate Soils Map; and

- Wetlands Map.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The Regional Team proposes to exhibit the planning proposal for 14 days due to its minor nature.**

Council proposes to give notice of public exhibition of the planning proposal:

- in the local newspaper "The St George and Sutherland Shire Leader";
- on Council's website; and
- in writing to adjoining landowners.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **The proposal is adequate.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Draft Sutherland Comprehensive LEP is currently at pre-s.64 stage.**

While the proposal does not utilise land use zones as set out in the Standard Instrument template, it is considered that the planning proposal should proceed without variation. The site will be incorporated into Sutherland Shire Council's Comprehensive LEP in the near future.

Assessment Criteria

Need for planning proposal : **The Regional Team considers there to be a need for the planning proposal.**

The site was deferred from Sutherland Shire LEP 2006 because of an unresolved zoning issue. Council proposed to rezone the site for public open space under Sutherland Shire LEP 2006. However, the landowners objected to the zoning and the site was deferred. Council has now reached an agreement with the landowners to purchase a portion of the

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site using its Section 94 Contributions. The site is identified in the 2005 Shire Wide Open Space and Recreation Facilities Plan to be acquired for open space purposes.

Council's acquisition of part of the subject site for public open space will provide for a larger area for public recreation and use and improve public access to the waterfront.

Council has advised that the acquisition of the site will protect remnant bushland and rock outcrops and help to maintain the scenic quality of Gannons Bay.

Consistency with strategic planning framework :

The planning proposal is considered to improve current public open space by creating a larger area of open space and improve public access to the waterfront, in keeping with the objectives of the draft South Subregional Strategy 2005 and Council's Works and Land Acquisition Programme.

Environmental social economic impacts :

Due to the minor nature of the planning proposal, it is considered that social, environmental and economic impacts will be minimal.

The subject site contains mature bushland and rock outcrops. The rezoning will result in an additional 370.8sqm of land integrated into adjoining public open space located at 12 Boomerang Avenue.

The residual portion of the site (370.3sqm) is to remain in private ownership and is to be amalgamated with adjoining property at 10 Boomerang Avenue.

The site is located wholly below the 30 metre Foreshore Building Line (FBL). The rezoning of the site for environmental housing purposes does not guarantee the approval of any waterfront or development structures below the FBL or mean high water mark. The environmental impact of any future development on the site will be assessed at the development assessment stage.

Assessment Process

Proposal type :

Routine

Community Consultation Period :

14 Days

Timeframe to make LEP :

6 Month

Delegation :

RPA

Public Authority Consultation - 56(2)(d) :

Is Public Hearing by the PAC required?

No

(2)(a) Should the matter proceed ?

Yes

If no, provide reasons :

It is considered that the planning proposal should proceed without variation.

The planning proposal is consistent with the objectives of the draft South Subregional Strategy 2005 and Council's Works and Land Acquisition Programme. If approved, the planning proposal will improve the existing public open space at 12 Boomerang Avenue, provide more opportunity for public recreation and use of the site, and extend public access to the waterfront.

Resubmission - s56(2)(b) : No

If Yes, reasons :

It is considered that there is no need to resubmit the proposal.

Identify any additional studies, if required. :

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If Other, provide reasons :

Due to the minor nature of the planning proposal, no additional studies are required.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons : **Due to the minor nature of the planning proposal, the provision and funding of state infrastructure is not relevant.**

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal Amendment 14.pdf	Proposal	Yes
Acid Sulfate Map.pdf	Map	Yes
Council Letter to Department of Planning & Infrastructure.pdf	Proposal Covering Letter	Yes
Flood Planning Map.pdf	Map	Yes
Heritage Map.pdf	Map	Yes
Locality Zoning Map.pdf	Map	Yes
Proposed Zoning Map.pdf	Map	Yes
Wetlands Map.pdf	Map	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **2.1 Environment Protection Zones
3.1 Residential Zones
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
6.2 Reserving Land for Public Purposes**

Additional Information : **It is recommended the planning proposal proceed subject to the following conditions:**

a) The planning proposal be exhibited for at least 14 days.

b) The planning proposal be completed within six months of the Gateway Determination.

Supporting Reasons : **It is recommended that the planning proposal proceed as it is supported by Council's Works and Land Acquisition Programme and the draft South Subregional Strategy, which both aim to improve the quality of public open space. The acquisition and rezoning of the subject site will provide greater public open space and accessibility to the waterfront for recreation and use by the public.**

Signature: _____

Printed Name: _____ Date: _____